Ibn al-Jawzī and the Cursing of Yazīd b. Muʿāwiya: A Debate on Rebellion and Legitimate Rulership

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This article examines how Muslim religious scholars find space within political and legal discourses to deal with thorny issues such as rebellion. It takes as its case study a treatise by Ibn al-Jawzī (d. 597/1201) regarding the permissibility to curse the second Umayyad caliph Yazīd b. Muʿāwiya. Although written to address the cursing of Yazīd, the treatise also speaks to questions regarding rulership and rebellion. Overall, the article argues that Ibn al-Jawzī adopted a juristically prudent approach to rebellion against an unjust and sinful ruler which synthesizes various elements of the Sunni caliphate discourse and the Islamic legal discourse on the treatment of rebels. This allowed him to shift the debate from one on the permissibility of rebellion to one on the question of legitimacy, thus enabling him to justify actions against Yazīd without overtly condoning the act of rebellion.

Rebellion remains a thorny issue in Islamic political thought. A creed attributed to the eponymous founder of the Ḥanbalī school of law (*madhhab*), Aḥmad b. Ḥanbal (d. 241/855), cautions against rebellion and explicitly states that those who rebel have harmed Muslim unity and are cast outside of the faith.[1] Much of modern scholarship has regarded such notions as characteristic of the move from political idealism (activism) to political realism (quietism) in the history of Islamic political thought.[2] In broad strokes, this narrative posits that while there existed a significant strand of thought among early Muslim scholars espousing rebellion against unjust and sinful rulers, Sunni jurists and theologians from the fourth/tenth century onward gradually adopted political quietism as a religious obligation.[3] In order to preserve societal order, they rejected the right to rebel against a ruler who ruled unjustly or fell into sin (*fisq*).

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1. Ibn Abī Yaʿlā, *Ṭabaqāt al-Ḥanābila*, ed. M. Ḥ. al-Fiqī, 2 vols. (Cairo: Maṭbaʿat al-Sunna al-Muḥammadiyya, 1952), 1: 244; Ibn Ḥanbal, *al-Musnad*, ed. A. M. Shākir, 15 vols. in 8 (Cairo: Dār al-Maʿārif, 1950–1956), 15: 87–89; Ibn al-Jawzī, *Manāqib al-imām Aḥmad b. Ḥanbal*, ed. and tr. M. Cooperson as *Virtues of the Imām Aḥmad ibn Ḥanbal*, 2 vols. (New York: New York Univ. Press, 2013), 1: 324–25; Ch. Melchert, "Early Ḥanbalī Creeds," 1–40, at 14, https://ora.ox.ac.uk (search under title); last accessed February 5, 2018.

2. H. A. R. Gibb, "Constitutional Organization," in *Law in the Middle East*, vol. 1: *Origin and Development of Islamic Law*, ed. M. Khadduri and H. J. Liebesny (Washington, DC: The Middle East Institute, 1955), 3–27; E. I. J. Rosenthal, *Political Thought in Medieval Islam: An Introductory Outline* (Cambridge: Cambridge Univ. Press, 1958); A. K. S. Lambton, *State and Government in Medieval Islam: An Introduction to the Study of Islamic Political Theory. The Jurists* (Oxford: Oxford Univ. Press, 1981); B. Lewis, *The Political Language of Islam* (Chicago: Univ. of Chicago Press, 1988); A. Black, *The History of Islamic Political Thought: From the Prophet to the Present* (Edinburgh: Edinburgh Univ. Press, 2001); P. Crone, *Medieval Islamic Political Thought* (Edinburgh: Edinburgh Univ. Press, 2004).

3. For the early trends, see Lewis, *Political Language*, 92–96; M. Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge Univ. Press, 2000), 52–53, 477–78; D. G. Tor, *Violent Order: Religious Warfare, Chivalry, and the ʿAyyār Phenomenon in the Medieval Islamic World* (Würzburg: Ergon, 2007), 159–83.

This view has been challenged in recent years, most notably by Khaled Abou El Fadl, who argues that the terms "activist" and "quietist" are not useful in addressing Muslim ideas on rebellion, especially when one moves away from the discourses on the caliphate usually located in works of theology (*kalām*) to the Islamic discourse on the treatment of rebels (*aḥkām al-bughāt*) found in legal compendia. Although jurists favored order and stability, they did not legislate completely in favor of the rulers, but instead formulated "a legal discourse on rebellion that is largely unhelpful to those in power" in advocating for the benevolent treatment of rebels by the rulers. These nuances are better grasped when one considers a juristic culture that "negotiates power primarily through the use of language."[4] This article takes into account the language of Muslim juristic culture, while also scrutinizing the juristic prudence underlying efforts by jurists to find space within inherited doctrines and traditions. Such prudence, I shall suggest, was used to carve out subtle solutions in response to thorny questions such as rebellion.

The present article takes as its case study a treatise entitled *al-Radd ʿalā l-mutaʿaṣṣib al-ʿanīd al-māniʿ min dhamm Yazīd* (The refutation of the zealous and deviant scholar who forbids the censure of Yazīd; hereafter, *Radd*) by the sixth/twelfth-century Ḥanbalī scholar Ibn al-Jawzī (d. 597/1201).[5] This treatise is the product of an internal debate in Ḥanbalī circles regarding the permissibility to curse the second Umayyad caliph Yazīd b. Muʿāwiya (r. 60–64/680–683) on three counts: the massacre of the Prophet's grandson al-Ḥusayn b. ʿAlī (d. 61/680) at Karbala; the pillage of Medina; and the siege of Mecca resulting in the bombardment of the Kaʿba with catapults. Although written to address the cursing of Yazīd, the *Radd* also speaks to questions regarding rightful rulership and rebellion. In that respect, how did a thinker like Ibn al-Jawzī protest against an unjust and sinful ruler like Yazīd while staying within the bounds of Ḥanbalī political thinking, which is strongly against deposition, let alone rebellion? I argue that he adopted a juristically prudent approach to rebellion against an unjust and sinful ruler—in this case, of al-Ḥusayn against Yazīd—which synthesizes various elements of the Sunni caliphate discourse and the legal rules on the treatment of rebels. Ibn al-Jawzī's juristic prudence allowed him to shift the debate from one on the permissibility of rebellion to one on the question of legitimacy, thus enabling him to justify al-Ḥusayn's actions against Yazīd without overtly condoning the act of rebellion.

I. IBN AL-JAWZĪ'S RIVALRY WITH ʿABD AL-MUGHĪTH AND THE COMPOSITION OF THE *RADD*

Abū l-Faraj ʿAbd al-Raḥmān b. al-Jawzī was born in Baghdad sometime between 508/1114 and 512/1118 to a wealthy family that traced its lineage back to the first caliph Abū Bakr.[6] He owed much of his scholarly fame to his eloquence in preaching (*waʿẓ*) and was brought into the service of the caliphal court under the Ḥanbalī vizier Ibn Hubayra (d. 560/1165) as part of an effort to foster a closer alliance between the Abbasid caliphate and prominent Ḥanbalī preachers in Baghdad. Ibn al-Jawzī's career reached its peak during the reign of the

4. Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge: Cambridge Univ. Press, 2001).

5. Ed. H. ʿA. Muḥammad (Beirut: Dār al-Kutub al-ʿIlmiyya, 2005).

6. Biographical accounts of Ibn al-Jawzī's life can be located in the eighth volume of Sibṭ b. al-Jawzī, *Mirʾat al-zamān fī taʾrīkh al-aʿyān* (Hyderabad: Osmania Oriental Publications Bureau, 1951), pt. 2, 481–503; Ibn Rajab, *al-Dhayl ʿalā l-ṭabaqāt al-Ḥanābila*, ed. M. Ḥ. al-Fiqī, 2 vols. in 1 (Cairo: Maṭbaʿat al-Sunna al-Muḥammadiyya, 1952), 1: 399–433; "Ibn al-Djawzī" (H. Laoust), *Encyclopaedia of Islam* (hereafter *EI*), 2nd ed.; Ibn al-Jawzī, *Kitāb al-Quṣṣāṣ wa-l-mudhakkirīn*, ed. M. L. Swartz (Beirut: Dār al-Mashriq, 1971), 15–38; M. L. Swartz, ed. and tr., *A Medieval Critique of Anthropomorphism: Ibn al-Jawzī's* Kitāb Akhbār aṣ-Ṣifāt (Leiden: Brill, 2002), 3–32.

caliph al-Mustaḍīʾ (r. 566–575/1170–1180), during which he gave numerous sermons with the caliph in attendance.[7] His sermons in Baghdad continued unabated after the accession of al-Mustaḍīʾ's son al-Nāṣir (r. 575–622/1180–1225) to the caliphate. Along with public fame came several high-profile rivalries with his Ḥanbalī peers, most notably ʿAbd al-Mughīth al-Ḥarbī (d. 583/1187) and the descendants of ʿAbd al-Qādir al-Jīlānī (or Jīlī, d. 561/1166). Ibn al-Jawzī's rivalry with the Jīlī family culminated in his downfall. He was exiled in 590/1194 to Wasit, where he was placed under house arrest. He returned to Baghdad five years later and died there in 597/1201.

The *Radd* stems from the rivalry between Ibn al-Jawzī and ʿAbd al-Mughīth. According to Ibn al-Jawzī, it began when an unnamed audience member at a sermon questioned him regarding Yazīd, specifically about what he did to al-Ḥusayn and what he commanded, which resulted in the pillage of Medina. The questioner then asked if it was permissible to curse (*yalʿana*) Yazīd, to which Ibn al-Jawzī responded, "It suffices for him whatever he deserves. Silence is better" (*yakfīhi mā fīhi wa-l-sukūt aṣlaḥ*). The questioner persisted: "I know that silence is better. But is cursing him permissible?" Pressed, Ibn al-Jawzī answered, "The pious scholars, including Aḥmad b. Ḥanbal, permitted it." News of this reached ʿAbd al-Mughīth, who then composed a multi-volume work in support of Yazīd entitled *Faḍāʾil Yazīd* (The virtues of Yazīd), now no longer extant. ʿAbd al-Mughīth sent his controversial treatise to several of Ibn al-Jawzī's companions, of whom one asked for a response.[8] The *Radd* was his response.

While chroniclers and biographers point to the above incident as setting off the enmity between Ibn al-Jawzī and ʿAbd al-Mughīth, the Yazīd problem was probably only the igniting spark for a more protracted rivalry. The *Radd* begins with a string of accusations leveled against ʿAbd al-Mughīth, among them his sloppiness in evaluating hadith, resulting in anthropomorphic conceptions of God (*tashbīh*), and his scant knowledge of the law (*fiqh*).[9] The author of a Ḥanbalī biographical dictionary, Ibn Rajab (d. 795/1392), also reports several polemical exchanges between both men on other issues regarding theology and hadith.[10] Ibn al-Jawzī's harsh criticisms of ʿAbd al-Mughīth and their existing rivalry did little to tarnish the latter's scholarly reputation, however. Biographical sources generally describe him as a reliable and righteous transmitter of hadith, and his composition of *Faḍāʾil Yazīd* is presented as a minor misstep in an otherwise illustrious scholarly career.[11]

7. See the various accounts in Ibn al-Jawzī, *al-Muntaẓam fī taʾrīkh al-mulūk wa-l-umam*, ed. M. ʿA. ʿAṭā and M. ʿA ʿAṭā, 19 vols. in 17 (Beirut: Dār al-Kutub al-ʿIlmiyya, 1992), 18: 190–254.

8. Ibn al-Jawzī, *Radd*, 33–34.

9. Ibid., 34–37. Ibn al-Jawzī's anti-anthropomorphism stance was well known among his Ḥanbalī peers and future generations. In his *Akhbār al-ṣifāt*, he deems mainstream Ḥanbalī anthropomorphic views as a deviation from the teachings of Aḥmad b. Ḥanbal, although his was a minority position among the Ḥanbalīs. See Swartz, *Medieval Critique*, 33–64; J. Hoover, "Ḥanbalī Theology," in *The Oxford Handbook of Islamic Theology*, ed. S. Schmidtke (Oxford: Oxford Univ. Press, 2016), 625–46, at 632–33.

10. For instance, whether the Prophet actually prayed behind Abū Bakr, or when ʿAbd al-Mughīth affirmed that all the hadith in Ibn Ḥanbal's *al-Musnad* were sound (*ṣaḥīḥ*). Ibn Rajab, *Dhayl*, 1: 357.

11. Ibn al-Athīr, *al-Kāmil fī l-taʾrīkh*, ed. C. J. Tornberg, 14 vols., repr. (Beirut: Dār Ṣādir, 1965–1967), 11: 562–63; Ibn al-Najjār, *Dhayl taʾrīkh Baghdād*, ed. C. Farah, 3 vols. (Hyderabad: Osmania Oriental Publications Bureau, 1978–1986), 1: 2–6; al-Dhahabī, *Taʾrīkh al-islām wa-wafayāt al-mashāhīr wa-l-aʿlām*, ed. ʿU. Tadmurī, 52 vols. (Beirut: Dār al-Kitāb al-ʿArabī, 1988–), 41: 155–57; Ibn Kathīr, *al-Bidāya wa-l-nihāya fī l-taʾrīkh*, 14 vols. (Cairo: Maṭbaʿat al-Saʿāda, 1932), 12: 328; Ibn Rajab, *Dhayl*, 1: 354–58.

II. DEBATES ON ATTITUDES TOWARD YAZĪD

More than half of the *Radd* consists of reports of the events that transpired during Yazīd's short reign as caliph (60–64/680–683).[12] A substantial portion is devoted to the ridiculing of al-Ḥusayn's decapitated head by Yazīd and the governor of Kufa, ʿUbaydallāh b. Ziyād (d. 67/686), after the Battle of Karbala in 61/680.[13] Ibn al-Jawzī then proceeds to the Battle of Ḥarra (63/683), a result of the Medinans declaring Yazīd deposed after accusing him of committing impious acts and of their evicting the Umayyad governor of Medina. The Medinans were vanquished by Yazīd's army and pursued back to Medina, where the army plundered the city for three days.[14] The narrative ends with the siege of Mecca by Yazīd's army in hopes of subduing ʿAbdallāh b. al-Zubayr (d. 73/692). The intense fighting and bombardment did not even spare the Kaʿba from damage by catapults and fire. It was at this moment that news came of Yazīd's death, thus ending both the siege and his reign.[15]

Overall, Ibn al-Jawzī's account of Yazīd's caliphate aims to solidify the image of the latter as a sinful and unjust caliph who deserves to be cursed. For the Shiʿa, given their reverence for the family of ʿAlī, the Battle of Karbala was a tragedy of seismic proportions and constituted the prime reason for them to curse Yazīd.[16] The situation was more complicated for the Sunnis, however, whose views on the permissibility to curse Yazīd are intricately tied to a larger debate concerning the Companions of the Prophet. Beginning in the fifth/eleventh century, chiefly due to the need to ascertain the integrity of the hadith transmitters, a doctrine known as *ʿadālat al-ṣaḥāba* (integrity of the Companions) developed among Sunni scholars to safeguard the Companions' collective integrity.[17] The cornerstone of this doctrine was that a Companion was anyone who saw the Prophet, and that in the face of inconclusive evidence one must abstain from believing that the Companions lost their integrity by participating in the civil wars. One should also refrain from discussing any reports pertaining to their roles in the civil wars. In time, the notion of Companionship expanded beyond those who caught a glimpse of the Prophet to everyone in the Prophet's age, including the jinn and the angels.[18]

This doctrine of the Companions' integrity contributed to an overall attitude of ambivalence toward the Yazīd problem. Some Sunnis forbade it on the grounds that it might lead to the vilification of Yazīd's father Muʿāwiya (r. 40–60/661–680), who was himself a Companion.[19] Even if Yazīd was not a Companion, his birth after the Prophet's death made him a Successor, and the hadith, "The best of people are of my age, then those who follow them,"

12. Ibn al-Jawzī, *Radd*, 44–70. For accounts of Yazīd's reign, see I. K. A. Howard, tr., *The History of al-Ṭabarī*, vol. 19: *The Caliphate of Yazīd b. Muʿāwiyah* (Albany: State Univ. of New York Press, 1990); Ibn al-Jawzī, *Muntaẓam*, 5: 322–49; 6: 3–34; H. Kennedy, *The Prophet and the Age of the Caliphates: The Islamic Near East from the Sixth to the Eleventh Century* (London: Longman, ²2004), 88–90; G. R. Hawting, *The First Dynasty of Islam: The Umayyad Caliphate, AD 661–750* (London: Routledge, ²2000), 46–50; "Yazīd b. Muʿāwiya" (H. Lammens), *EI*1; "Yazīd (I) b. Muʿāwiya" (G. R. Hawting), *EI*2; "al-Ḥusayn b. ʿAlī b. Abī Ṭālib" (L. Veccia Vaglieri) and (N. I. Haider), *EI*2 and *EI*3 respectively.

13. Ibn al-Jawzī, *Radd*, 54–60.

14. Ibid., 64–70.

15. Ibid., 70.

16. E. Kohlberg, "The Attitude of the Imāmī-Shīʿīs to the Companions of the Prophet" (D.Phil. diss., Univ. of Oxford, 1972), 200, 209.

17. A. Osman, "*ʿAdālat al-Ṣaḥāba*: The Construction of a Religious Doctrine," *Arabica* 60 (2013): 272–305.

18. N. Khalek, "Medieval Biographical Literature and the Companions of Muḥammad," *Der Islam* 91 (2014): 272–94, at 284–86.

19. S. al-Sarhan, "Early Muslim Traditionalism: A Critical Study of the Works and Political Theology of Aḥmad b. Ḥanbal" (Ph.D. diss., Univ. of Exeter, 2011), 143. This was also one of ʿAbd al-Mughīth's arguments. See Ibn al-Jawzī, *Radd*, 75, 87.

could be cited as a proof text against cursing him.[20] Nonetheless, the reports regarding his impious acts, his killing of al-Ḥusayn, and his attack of Mecca and Medina were too numerous to be ignored. This resulted in diverse opinions among Sunni scholars regarding the cursing of Yazīd.[21]

Positions on the Yazīd problem varied within the Ḥanbalī school and even in Aḥmad b. Ḥanbal's own opinions, of which there existed three distinct reports during Ibn al-Jawzī's time. In the first, Ibn Ḥanbal accused Yazīd of looting Medina and of killing several Companions of the Prophet during the Battle of Ḥarra; when Ibn Ḥanbal was asked about Yazīd's role in the transmission of hadith, he answered that no hadith should be related on Yazīd's authority.[22] Here, although he is critical of Yazīd, he remains silent about cursing Yazīd. The second report features Ibn Ḥanbal advising his student that it is preferable to refrain (*imsāk*) from cursing Yazīd, since the Prophet had said, "Cursing a Muslim is similar to killing him." Moreover, the above Prophetic statement, "The best of people are of my age, etc.," included Yazīd as well.[23] In the third report, Ibn Ḥanbal gives tacit approval to cursing Yazīd by citing the following Quranic verses: "Would you then, if you were given the command, work corruption in the land and sever your ties of kinship? Such are they whom God has cursed, so He deafened and blinded their vision" (Q 47:22–23).[24] These reports reflect an ambiguity that contributed to divisions among future generations of Ḥanbalīs regarding the Yazīd problem. It also gave scholars such as Ibn al-Jawzī and ʿAbd al-Mughīth leeway to adopt completely contrasting positions but to muster the legacy of Aḥmad b. Ḥanbal in support of their views. ʿAbd al-Mughīth, for instance, claims that it is better to abstain from cursing Yazīd out of respect for his father Muʿāwiya, in answer to which Ibn al-Jawzī accuses ʿAbd al-Mughīth of deliberately deviating from the supposedly pro-cursing views of Ibn Ḥanbal.[25]

The Yazīd problem was not only about the permissibility to curse Yazīd; debates also addressed whether al-Ḥusayn and the Medinans had the right to resist him. This issue inevitably forced one to confront the thorny question of whether subjects can rebel against and depose a sinful and unjust caliph. Two factions, the puritanical Khawārij and the rationalist Muʿtazila, were of the opinion that they should—with force if the situation called for it.[26] The Muʿtazilī theologian and judge ʿAbd al-Jabbār (d. 415/1025) even claims that this

20. J. E. Lindsay, "Caliphal and Moral Exemplar? ʿAlī Ibn ʿAsākir's Portrait of Yazīd b. Muʿāwiya," *Der Islam* 74 (1997): 250–78, at 274.

21. See, for instance, the contrasting views of the Shāfiʿī jurist and Ashʿarī theologian al-Kiyā al-Harrāsī (d. 504/1110) and those of his contemporary of similar juridical and theological persuasions al-Ghazālī (d. 505/1111), in Ibn Khallikān, *Wafayāt al-aʿyān wa-anbāʾ abnāʾ al-zamān*, ed. I. ʿAbbās, 8 vols. (Beirut: Dār Ṣādir, 1977), 3: 287–90.

22. Ibn al-Jawzī, *Radd*, 40; Abū Yaʿlā, *al-Masāʾil al-ʿaqdiyya min kitāb al-riwāyatayn wa-l-wajhayn: Masāʾil min uṣūl al-diyānāt*, ed. S. b. ʿA. al-Khalaf (Riyadh: Aḍwāʾ al-Salaf, 1999), 93–94; al-Sarhan, "Early Muslim Traditionalism," 139.

23. Ibn al-Jawzī, *Radd*, 73, 88; Abū Yaʿlā, *Masāʾil*, 95–96; al-Sarhan, "Early Muslim Traditionalism," 140.

24. Ibn al-Jawzī, *Radd*, 40–41; Abū Yaʿlā, *Masāʾil*, 94–95; al-Sarhan, "Early Muslim Traditionalism," 140–41. Al-Sarhan suggests that this report was circulated beginning in the fourth/tenth century as part of attempts by certain Ḥanbalī circles to "legitimise their enmity towards Yazīd I." This claim is quite plausible considering that the earliest extant version of this report is found in Abū Yaʿlā's *al-Masāʾil al-ʿaqdiyya*, in which he claims to have come across it from the handwriting of another Ḥanbalī scholar, Abū Ḥafṣ al-ʿUkbarī (d. 387/997). Ibn al-Jawzī adduces this report in support of his pro-cursing position and cites Abū Yaʿlā's *al-Muʿtamad fī uṣūl al-dīn* as his source. The report is absent in the extant abridged version of *al-Muʿtamad*.

25. Ibn al-Jawzī, *Radd*, 40, 87.

26. Crone, *Political Thought*, 58, 66.

position was established by the consensus of the Companions and that there was no disagreement among them regarding it.[27]

Up to Ibn al-Jawzī's time, most Ḥanbalī scholars were largely consistent with Ibn Ḥanbal's views opposing deposition and rebellion.[28] So pronounced was Ibn Ḥanbal's stance against rebellion that Ḥanbalī creeds from the mid-third/ninth century onward usually include a section on the need to obey the ruler, pray behind him, fight jihad with him, and entrust one's alms to him, regardless of whether he was pious or sinful.[29] According to the fifth/eleventh-century Ḥanbalī scholar Abū Yaʿlā b. al-Farrāʾ (d. 458/1066), sin (*fisq*), unlike unbelief (*kufr*), does not cast the ruler out of the faith, nor does it prevent him from administering the duties entrusted to him. Instead of resisting a sinful ruler, one should counsel him while refraining from obeying any unlawful commands he issues.[30] For Ibn al-Jawzī's teacher Ibn al-Zāghūnī (d. 527/1132), the permissiblility of removing a judge if he falls into sin is not analogous for a sinful ruler, because deposition might lead to civil strife (*fitna*), disagreements between people (*ikhtilāf al-nās*), dissolution of the state (*shatāt al-dawla*), and disorder in the community (*ikhtilāl al-milla*).[31] The Ḥanafīs are mostly in agreement with their Ḥanbalī counterparts in claiming that a ruler who has sinned is not to be deposed.[32]

Shāfiʿī thinkers, on the other hand, appear more conflicted over the issue. According to the Ḥanafī-Māturīdī theologian al-Bazdawī (d. 493/1099), some Shāfiʿīs equate sin to unbelief, and therefore a sinning ruler is one who has left the faith and warrants deposition; others adopt al-Shāfiʿī's analogy in the matter of a sinning judge—that is, a judge who sinned did not descend into unbelief but still had to be removed from office, and thus, the same holds for a sinful ruler. A third group of Shāfiʿīs rejected deposition altogether, since a deposed judge can be replaced by another but the deposition of a ruler leads to societal corruption (*fasād*).[33] The prevailing Shāfiʿī view over time steered away from deposition in favor of societal order and stability.[34] Even those who were in favor of ending the caliphate of a sinner would usually only permit his self-removal from office.[35] In another display of school ambiguity, the extant theological creeds of Abū l-Ḥasan al-Ashʿarī (d. 324/936) suggest that

27. ʿAbd al-Jabbār, *al-Mughnī fī abwāb al-tawḥīd wa-l-ʿadl*, ed. M. M. Qāsim, Ṭ. Ḥusayn, and I. Madkūr, 20 vols. (Cairo: Wizārat al-Thaqāfa wa-l-Irshād al-Qawmī, al-Idāra al-ʿĀmma li-l-Thaqāfa, n.d.), 20,1: 201–7, in particular 203.

28. For Ibn Ḥanbal's views, see al-Khallāl, *al-Sunna*, ed. ʿA. al-Zahrānī, 5 vols. in 2 (Riyadh: Dār al-Rāya, 1989–1999), 1: 130–44; al-Sarhan, "Early Muslim Traditionalism," 171–200.

29. Ibn Ḥanbal, *Musnad*, 13: 52, 173–74; 14: 76; Cooperson, *Virtues*, 1: 306–7, 314–15, 324–27; al-Sarhan, "Early Muslim Traditionalism," 179.

30. Abū Yaʿlā, *al-Muʿtamad fī uṣūl al-dīn*, ed. W. Z. Ḥaddād (Beirut: Dār al-Mashriq, 1974), 243.

31. Ibn al-Zāghūnī, *al-Īḍāḥ fī uṣūl al-dīn*, ed. ʿI. Maḥmūd (Riyadh: Markaz al-Malik Fayṣal li-l-Buḥūth wa-l-Dirāsāt al-Islāmiyya, 2003), 632–33.

32. Al-Bazdawī, *Kitāb Uṣūl al-dīn*, ed. H. P. Linss (Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabiyya, 1963), 190. This is also expressed in the creed of al-Nasafī (d. 537/1142); see E. E. Elder, tr., *A Commentary on the Creed of Islam: Saʿd al-Dīn al-Taftāzānī on the Creed of Najm al-Dīn al-Nasafī* (New York: Columbia Univ. Press, 1950), 150.

33. Al-Bazdawī, *Uṣūl al-dīn*, 190–91.

34. Elder, *Commentary*, 150–51; Abū Zakariyyā al-Nawawī, *Rawḍat al-ṭālibīn*, ed. ʿĀ. A. ʿAbd al-Mawjūd and ʿA. M. Muʿawwaḍ, 8 vols. (Beirut: Dār al-Kutub al-ʿIlmiyya, 1992), 7: 268; Badr al-Dīn b. Jamāʿa, *Taḥrīr al-aḥkām fī tadbīr ahl al-islām*, ed. ʿA. b. Ṣ. b. M. ʿUbayd (Riyadh: Maktabat Dār al-Minhāj li-l-Nashr wa-l-Tawzīʿ, 2012), 283.

35. Al-Māwardī, *al-Aḥkām al-sulṭāniyya*, ed. A. Jād (Cairo: Dār al-Ḥadīth, 2006), 42, tr. W. Wahba as *The Ordinances of Government* (Reading: Garnet, 1996), 17; Abū l-Maʿālī al-Juwaynī, *al-Irshād ilā qawāṭiʿ al-adilla fī uṣūl al-iʿtiqād*, ed. M. Y. Mūsā and ʿA. ʿAbd al-Ḥamīd (Cairo: Maktabat al-Khānjī, 1950), 425–26, tr. P. E. Walker as *A Guide to Conclusive Proofs for the Principles of Belief* (Reading: Garnet, 2000), 234–35.

he opposed armed rebellion against an erring ruler,[36] but some scholars group his adherents in the pro-deposition camp.[37]

Sunni jurists also address whether Yazīd was justified in killing al-Ḥusayn and allowing his troops to pillage Medina. These issues fell under the rubric of the law on rebellion, which defines a rebel (*bāghī*) as one who defies the just ruler (*al-imām al-ʿādil*) by fighting him while relying on a reasonable pretext (*taʾwīl*). This pretext can be taken to mean either a religious interpretation, disagreement on a point of law, or grievance. The jurists were usually less concerned with what exactly constitutes a "just ruler" or even with when rebellion is justified than with how rulers should deal with rebels.[38] Broadly speaking, rebels must be "warned, debated, and given a full chance to repent before being fought," and "are only to be fought as long as they continue to fight." Defeated rebels are not to be killed and their property is not to be plundered. Dead rebels may not be crucified and their heads may not be cut off; funeral prayers should be performed over them. This treatment is in contrast to bandits or highway robbers (*muḥāribūn*), who are held liable for life and property destroyed, with Sharia punishments that ranged from amputation of opposite limbs and crucifixion to banishment and execution. These rules regarding rebels were first given systematic exposition by al-Shāfiʿī and adopted by Shāfiʿī and non-Shāfiʿī jurists in subsequent centuries.[39]

One example of the Ḥanbalī application of the law to the Yazīd problem is encountered in a discussion in Abū Yaʿlā's *al-Masāʾil al-ʿaqdiyya* on whether one may pass judgment on Yazīd's sins. Abū Yaʿlā begins by citing Ibn Ḥanbal's reports for and against cursing and the supporting arguments for each position before coming down in favor of cursing Yazīd, arguing that the rebellions by al-Ḥusayn and the Medinans were not aimed at pursuing power for themselves (*ṭalab li-l-amr*). They ought to have been treated as rebels who resisted the orders of a ruler (*imtināʿ*) based on a pretext entailing displeasure with Yazīd's preoccupation with drinking and impious amusements. Given this, "their rebellions did not necessitate killing, slaughter, and pillage of property, because rebels who are defeated by the ruler are neither to be killed nor is their property to be plundered."[40] But since Yazīd's troops did just that, he deserved to be cursed. In line with the law on rebellion, Abū Yaʿlā's focus is on Yazīd's mistreatment of the rebels, not on Yazīd's legitimacy as caliph. His transgression of the law's boundaries, not because he was sinful or unjust, made cursing him permissable.

III. IBN AL-JAWZĪ'S ARGUMENTS IN SUPPORT OF CURSING YAZĪD

Having discussed the wider debates surrounding the Yazīd problem, I now turn to Ibn al-Jawzī's analysis of the issue, which constitutes the latter half of the *Radd* and is presented in the form of rebuttals against ʿAbd al-Mughīth's arguments presumably put forward in *Faḍāʾil Yazīd*.[41] In this format, Ibn al-Jawzī first cites a statement by his opponent and then proceeds to refute it in piecemeal fashion.

36. R. J. McCarthy, *The Theology of al-Ashʿarī* (Beirut: Imprimerie Catholique, 1953), 250. See also Ibn Fūrak, *Mujarrad maqālāt al-shaykh Abī l-Ḥasan al-Ashʿarī*, ed. A. ʿA. Sāyiḥ (Cairo: Maktabat al-Thaqāfa al-Dīniyya, 2005), 191, who sets out that al-Ashʿarī advocated rejecting the transgressing ruler but demonstrating outward obedience toward him in order to prevent civil strife.

37. Abū Yaʿlā, *Muʿtamad*, 243; Ibn al-Zāghūnī, *Īḍāḥ*, 630.

38. Jurists usually conflate the terms *ʿādil* (just) and *ʿadl* (rightful, implying legitimate rule). Some omit *ʿādil* altogether and simply define rebellion as an act against an established ruler. Abou El Fadl, *Rebellion and Violence*, 241.

39. Ibid., 147–209.

40. Abū Yaʿlā, *Masāʾil*, 102–4.

41. Although ʿAbd al-Mughīth's *Faḍāʾil Yazīd* is no longer extant, its main arguments can be inferred from Ibn al-Jawzī's statements.

1. Delegitimizing the Oaths of Allegiance to Yazīd

By Ibn al-Jawzī's time, Sunni thinkers were willing to consider three different methods of becoming caliph: election (*ikhtiyār*), testamentary designation (*ʿahd* or *naṣṣ*) by an incumbent caliph, or seizure of power by compulsion (*ghalaba* or *qahr*).[42] Regardless of how a caliph assumed office, his caliphate had to be subsequently ratified as a legitimate contract between himself and the community by the oath of allegiance (*bayʿa*). The oath "was a voluntary offering of allegiance to a ruler" and "a sign that one claimed military authority, and not just 'deputized' rule."[43] In Sunni juristic treatments of the caliphate or imamate, it was "constitutive."[44] It is also this aspect of Yazīd's caliphate that Ibn al-Jawzī attacks first.

ʿAbd al-Mughīth claims that Yazīd's rule was legitimate, since it was established with the consent of the community (*umma*) except for five individuals: Ibn Abī Bakr, Ibn ʿUmar (d. 73/693), Ibn al-Zubayr, Ḥusayn, and Ibn ʿAbbās (d. ca. 68/687f.).[45] Of these, Ibn ʿUmar, who fled to Mecca after Muʿāwiya proclaimed Yazīd as successor and again when Yazīd assumed office, is singled out to bolster the latter's legitimacy as caliph. According to ʿAbd al-Mughīth, Aḥmad b. Ḥanbal had said that Ibn ʿUmar eventually pledged allegiance to Yazīd, therefore denying Ibn ʿUmar's actions entails slandering Ibn Ḥanbal. If even an obstinate individual like Ibn ʿUmar pledged allegiance to Yazīd, the latter's caliphate must be valid.[46]

Against this, Ibn al-Jawzī replies, "We have mentioned that when Ibn ʿUmar heard about Yazīd's [efforts to obtain his] oath of allegiance, he fled to Mecca, and it was said to him, 'If you refuse [to offer your allegiance], we will kill you,' and so he pledged allegiance [to Yazīd] under duress (*ḍarūratan*) . . . out of fear for his own life."[47] By adducing the example of Ibn ʿUmar in backing Yazīd's legitimacy, ʿAbd al-Mughīth "only looked at the oath of allegiance in a superficial manner (*ṣūrat al-mubāyaʿa*) and forgot that it was given out of compulsion (*ʿan ikrāh*)."[48] Moreover, "no one who depended on Yazīd consented to pledging allegiance to him [voluntarily], even the populace denied it, except that they kept silent out of fear for their own lives."[49] The fact that Yazīd's rule was established based on force (*qahran*) without voluntary oaths of allegiance from even his own supporters renders it illegitimate.

Both ʿAbd al-Mughīth's and Ibn al-Jawzī's arguments hinge on whether an oath of allegiance pledged under duress (*ḍarūratan*) is legitimate; the former claims that it is, the latter

42. For an overview of the three methods, see M. H. Kamali, "Caliphate and Political Jurisprudence in Islam: Historical and Contemporary Perspectives," *The Muslim World* 106.2 (2016): 384–403, at 388–99.

43. R. Mottahedeh, *Loyalty and Leadership in an Early Islamic Society*, rev. ed. (New York: I. B. Tauris, 2001), 50–51.

44. Crone, *Political Thought*, 227.

45. Ibn al-Jawzī, *Radd*, 77.

46. Ibid., 73. The invoking of Ibn ʿUmar in this context is significant, since biographers and chroniclers often depict him as remaining aloof from political conflicts, even paying allegiance to Umayyad rulers whom later generations of Muslims regard as tyrannical. Several statements advocating for patience toward, instead of rebellion against, unjust rulers are attributed to him: "I do not fight in [times of] civil strife (*fitna*), and I pray behind whoever wins"; "Pay your alms to your rulers—whoever was pious, it is for him; and whoever was sinful, it is against himself"; and "We are with whoever wins." Over time, Ibn ʿUmar became a mouthpiece of the traditionalists who cautioned against taking part in any fighting between men of power, to the extent that Sufyān al-Thawrī (d. 161/778) is reported to have claimed, "We adhere to [the caliph] ʿUmar's words in the time of unity (*fī l-jamāʿa*) and his son's in the time of division (*fī l-firqa*)." See the respective articles (L. Veccia Vaglieri) and (Andreas Görke), in *EI*2 and *EI*3; al-Sarhan, "Early Muslim Traditionalism," 155, 184–86.

47. Ibn al-Jawzī, *Radd*, 73, 77–78.

48. Ibid., 80.

49. Ibid., 78.

is critical of it. Though they did not regard it as an independent method of accession, most Ḥanbalī scholars before and during Ibn al-Jawzī's time in fact recognized the legitimacy of a caliph who took power by force, based on the following statement attributed to Aḥmad b. Ḥanbal: "He who seizes power by the sword so that he becomes caliph and is called Commander of the Faithful, such that it is not permissible for anyone who believes in God to pass a night without recognizing him as imam—whether pious or sinful, he is the [rightful] Commander of the Faithful."[50] Ibn al-Zāghūnī frames this as a form of consensus (*ijmāʿ*) taking place under difficult circumstances (*ʿalā muḍāyaqa*), like a disturbance due to a delay or when someone lacking certain qualifications obtains power by force.[51] Furthermore, by the sixth/twelfth century, usurpation had already been given thorough treatment as a method of obtaining the caliphate by the Shāfiʿī-Ashʿarī jurist al-Juwaynī (d. 478/1085), though he only recognizes its validity under dire circumstances.[52] Viewed in this context, Ibn al-Jawzī's invalidation of allegiance obtained through duress represents a departure from not only the mainstream Ḥanbalī, but also the general Sunni views of his time.

The use of the term *ḍarūra* to frame Ibn ʿUmar's allegiance to Yazīd also provides it with an additional layer of religio-legal significance. In Islamic law, the concept of *ḍarūra* denotes a state of necessity resulting from circumstances that may oblige an individual to carry out an action prohibited by the law.[53] Thus, Ibn al-Jawzī's characterization of Ibn ʿUmar's pledge to Yazīd as one given in this way might suggest that the swearing of allegiance to a sinful caliph like Yazīd is analogous to an action that is prohibited by law under normal circumstances. It is also one of several instances in the *Radd* where Ibn al-Jawzī musters concepts from legal discourse to fill the gaps in political discourse and vice versa in order to advance his views.

2. Al-Ḥusayn as Rightful Caliph

Perhaps realizing that attacking Yazīd's covenant with the people is not sufficient to invalidate his legitimacy as caliph, Ibn al-Jawzī moves on to Yazīd's qualifications, a key component of the Sunni caliphate discourse. To underscore his model of an ideal caliph, six qualifications are listed: (1) companionship with the Prophet (*ṣuḥba*), (2) lineage (*nasab*; in this respect, being from the Quraysh tribe), (3) courage (*najda*), (4) competence (*kifāya*), (5) piety (*waraʿ*), and (6) religious knowledge (*ʿilm*).[54] Aside from the first qualification, which reflects the proximity of Yazīd and al-Ḥusayn to the time of the Prophet, the list is a fairly standard one encountered in most Sunni treatments of the caliphate.

Ibn al-Jawzī then proceeds to deny Yazīd's legitimacy on the basis of these qualifications: "Yazīd never came close to [Ibn Abī Bakr, Ibn ʿUmar, Ibn al-Zubayr, and Ibn ʿAbbās] in any of these [qualifications]."[55] He continues, "The characteristics of the ruler and qualifications of the caliphate are all found in al-Ḥusayn, and no one in his time came close [in terms of qualifications]."[56] A brief excursus on the *afḍal* (most excellent) vs. *mafḍūl* (less excellent) debate follows, whereby Ibn al-Jawzi adduces two historical anecdotes—the election

50. Abū Yaʿlā, *Muʿtamad*, 238; idem, *al-Aḥkām al-sulṭāniyya*, ed. M. Ḥasan (Beirut: Dār al-Fikr, 1994), 28; Cooperson, *Virtues*, 1: 324–25; Melchert, "Early Ḥanbalī Creeds," 13.

51. Ibn al-Zāghūnī, *Īḍāḥ*, 611.

52. M. Hassan, *Longing for the Lost Caliphate: A Transregional History* (Princeton: Princeton Univ. Press, 2016), 105–7; S. Siddiqui, "Power vs. Authority: Al-Juwaynī's Intervention in Pragmatic Political Thought," *Journal of Islamic Studies* 28.2 (2017): 193–220, at 203, 206 n. 39.

53. "Ḍarūra" (Y. Linant de Bellefonds), *EI*2.

54. Ibn al-Jawzī, *Radd*, 80.

55. Ibid.

56. Ibid., 78.

of Abū Bakr and Abū Bakr's appointment of ʿUmar as caliph—in support of al-Ḥusayn as the most excellent man of his time, whose suitableness surpasses even those of other eminent Companions such as Ibn ʿAbbas, Ibn ʿUmar, and Ibn al-Zubayr.[57] Furthermore, the fact that the Iraqis wrote to al-Ḥusayn promising to pledge allegiance to him after he arrived in Kufa shows that they deemed him to be most deserving (*aḥaqq*) of the caliphate.[58] In arguing for al-Ḥusayn's legitimacy—as the man who should have been caliph—over Yazīd, Ibn al-Jawzī also challenges the dominant Sunni historiographical vision of his time, which generally recognizes the legitimacy of Yazīd's caliphate despite misgivings about his actions and behavior. Even if one is ready to write off Yazīd, Ibn al-Jawzī's elevation of the most paradigmatic figure in Shiʿism over and above important Companions in the Sunni tradition, such as Ibn ʿAbbās, runs the risk of offending the orthodox sensibilities of his Sunni traditionalist and Ḥanbalī peers, a situation that Ibn al-Jawzī was no stranger to when it came to his theological views.[59]

Without a valid covenant and lacking the caliphal qualifications, Yazīd as caliph was illegitimate in Ibn al-Jawzī's eyes. But even if one were to acknowledge the legitimacy of his caliphate, was it lawful for al-Ḥusayn to rebel against him when he ruled unjustly and impiously?

3. The Limits of Obedience

For ʿAbd al-Mughīth, the answer to the above question is "no," since obedience to rulers is obligatory even if they rule oppressively. He quotes Aḥmad b. Ḥanbal as saying, "I believe in fighting alongside the caliphs even if they are oppressive and in praying behind every one [of them], whether pious or sinful, just as Ibn ʿUmar prayed behind al-Ḥajjāj."[60] This saying is usually cited in Ḥanbalī creeds declaring the impermissibility of rebelling against an unjust and impious ruler. In Ḥanbalī books of theology, a hadith pronouncing it impermissible to oppose sinful caliphs as long as they establish prayer for the believers and rule according to the Book of God is usually cited to the same effect.[61]

Against this, Ibn al-Jawzī offers a corrective; in his view, the obligation to obey oppressive rulers is only imposed in a situation of necessity (*li-mawḍiʿ al-ḍarūra*), just as Aḥmad b. Ḥanbal's statement, "We obey the pious and sinful and whoever seizes power by the sword," was expressed to caution against civil discord (*ḥidhran min al-fitan*).[62] At first glance, Ibn al-Jawzī's position does not appear to differ much from ʿAbd al-Mughīth's, since both men appeal to the legacy of Ibn Ḥanbal. But the qualifiers of necessity (*ḍarūra*) and discord (*fitna*) make all the difference—Ibn al-Jawzī implies that if there is no situation of necessity or civil strife in sight, no obedience is due a sinful ruler. Obedience is conditional only upon the ruler governing with piety and justice. As with ʿAbd al-Mughīth, Ibn al-Jawzī's corrective is also rooted in Aḥmad b. Ḥanbal's stance affirming that although obedience is due to rulers, obedience is not due to one who disobeys God.[63] This subtle yet significant rhetorical move

57. Ibid., 79–80. For the *afḍal* vs. *mafḍūl* debate, see "Imāma" (W. Madelung), *EI*2.

58. Ibn al-Jawzī, *Radd*, 80.

59. Especially with respect to the issue of anthropomorphism. See Swartz, *Medieval Critique*, 38–43; Hoover, "Ḥanbalī Theology," 632–33.

60. Ibn al-Jawzī, *Radd*, 80. Al-Ḥajjāj was the governor of Iraq under the Umayyad caliphs ʿAbd al-Malik (r. 65–86/685–705) and al-Walīd (r. 86–96/705–715).

61. Abū Yaʿlā, *Muʿtamad*, 243; Ibn al-Zāghūnī, *Īḍāḥ*, 630–32; al-Khallāl, *Sunna*, 1: 76, 110–11.

62. Ibn al-Jawzī, *Radd*, 81.

63. Aḥmad b. Ḥanbal, *Musnad*, 9: 124; al-Khallāl, *Sunna*, 1: 75, 113–14. Despite Ibn Ḥanbal's insistence that one who disobeys God is not owed obedience, he was careful to condemn rebellion against unjust and sinful rulers.

provides Ibn al-Jawzī with some leeway to argue in favor of al-Ḥusayn's rebellion against Yazīd. Again, his use of the term *ḍarūra* in this context accentuates the religio-legal significance of the issue—obedience to sinful rulers is now made analogous to what is prohibited by law under regular circumstances.

4. Justifying al-Ḥusayn's Rebellion

With Yazīd's legitimacy as caliph stripped away and unconditional obedience toward sinful rulers nullified, the stage is set to discuss al-Ḥusayn's rebellion against Yazīd. According to Ibn al-Jawzī, ʿAbd al-Mughīth had labeled al-Ḥusayn a *khārijī* in *Faḍāʾil Yazīd*.[64] This is no mere casual remark, since the word (< the root *kh.r.j*, 'to depart, quit, forsake') could lend itself to various interpretations.[65] While it was used in early legal discourses for rebels in general,[66] it eventually came to denote a group of Muslims who seceded from ʿAlī's following in protest against his proposal to submit to arbitration the differences arising out of the Righteous Caliph ʿUthmān's murder. This group (Khawārij) would eventually go down in history as dissidents with a reputation for excessive piety and for labeling Muslims who did not join their camp as unbelievers, the doctrine of *takfīr*. The more extremist Azraqī and Najdī wings declared that such Muslims, along with their wives and children, could be legally killed, enslaved, and have their property plundered.[67]

This posed a problem for jurists, since the law, which, as noted above, stipulates a more benevolent treatment of rebels than that given to brigands or highway robbers, was usually extended to the Khawārij. Most jurists—especially the Shāfiʿīs—argued that as fanatic as the *khārijī* belief system might have been, it was after all a form of pretext (*taʾwīl*). Radical ideas do not cast them outside the law's purview.[68] But there were jurists who were less forgiving, some claiming that they ought to be treated as brigands given their violent means of rebellion, others arguing that they should be killed not for their rebellion but for causing corruption on earth.[69] Law concerning the Khawārij was far from conclusive, and therefore ʿAbd al-Mughīth's calling al-Ḥusayn not a rebel (*bāghī*) but someone outside the pale (*khārijī*) might reflect an early Islamic juridical practice of calling any rebel a *khārijī*. Or it could have been intended to place al-Ḥusayn on a plane of ambiguity and to concurrently make Yazīd's brutal response to his rebellion somewhat more palatable.[70]

When asked to join the revolt against the caliph al-Wāthiq (r. 227–232/842–847), he is reported to have advised the jurists who joined the revolt to repudiate the caliph in their hearts but not to openly disobey him and cause disunity among Muslims. See Ḥanbal b. Isḥāq b. Ḥanbal, *Dhikr miḥnat al-imām Aḥmad b. Ḥanbal*, ed. M. Naghash (Cairo: Maṭbaʿat Nashr al-Thaqāfa, 1977), 81–82; al-Khallāl, *Sunna*, 1: 132–34; al-Sarhan, "Early Muslim Traditionalism," 180–81, 189–93; Ch. Melchert, *Ahmad ibn Hanbal* (Oxford: Oneworld, 2006), 13–14, 93.

64. Ibn al-Jawzī, *Radd*, 86.

65. On the ambiguity of the term, see J. T. Kenney, *Muslim Rebels: Kharijites and the Politics of Extremism in Egypt* (Oxford: Oxford Univ. Press, 2006), 43–48.

66. Abou El Fadl, *Rebellion and Violence*, 118.

67. Kenney, *Muslim Rebels*, 24; A. R. Gaiser, *Muslims, Scholars, Soldiers: The Origin and Elaboration of the Ibāḍī Imāmate Traditions* (New York: Oxford Univ. Press, 2010), 39; K. Lewinstein, "Kharijis," in *The Princeton Encyclopedia of Islamic Political Thought*, ed. G. Bowering et al. (Princeton: Princeton Univ. Press, 2013), 294–95.

68. Abou El Fadl, *Rebellion and Violence*, 77, 151–52, 156–57, 171–72, 191–92.

69. Ibid., 184–85, 248–49.

70. The Ḥanbalī jurist Ibn Taymiyya (d. 728/1328) mentions that this view was held by such extremist groups as the Nāṣiba, who declared al-Ḥusayn to be a *khārijī* who should be killed because he disrupted the unity of the Muslim community (*umma*). Some even called him the first Muslim to rebel against the holders of power. Ibn Taymiyya deems these views to be excessive (*Minhāj al-sunna al-nabawiyya*, ed. M. R. Sālim, 9 vols. [Riyadh: Jāmiʿat al-Imām Muḥammad b. Saʿūd al-Islāmiyya, 1986], 4: 553, 585).

Ibn al-Jawzī's approach in the *Radd* to al-Ḥusayn's rebellion comes in two parts, the first in a short interjection immediately after the reports on Yazīd ridiculing al-Ḥusayn's head:

> There is nothing conceited about the actions of ʿUmar b. Saʿd and ʿUbaydallāh b. Ziyād [in killing al-Ḥusayn]. What is truly conceited were Yazīd's own godforsaken actions, his poking at al-Ḥusayn's mouth with a cane, and his sending al-Ḥusayn's head back to Medina. [. . .] Is it permissible to do this [even] to the Khawārij? Has it not been revealed that [even] they are to be given the dignity of being prayed over and buried? Yazīd's statement that he had the right to enslave [al-Ḥusayn's family] is itself sufficient proof that he should be cursed, even if he had respected al-Ḥusayn's head when it arrived, prayed over it, not placed it in a large basin, and not poked it with a cane after he had already achieved his goal of killing [him]. But he was driven by ignorant malice.[71]

Like Abū Yaʿlā, Ibn al-Jawzī is concerned here with how Yazīd dealt with al-Ḥusayn in relation to the latter's status as a rebel, only differing from Abū Yaʿlā in one respect: Abū Yaʿlā thinks Yazīd deserved to be cursed for killing al-Ḥusayn after defeating him, while Ibn al-Jawzī condemns Yazīd for making fun of al-Ḥusayn's severed head and for not giving him a proper burial. This difference aside, both scholars kept in line with the legal rules regarding rebels—we do not come across a discussion of whether al-Ḥusayn's rebellion was lawful or whether Yazīd deserved to be resisted in the first place.

In a later part of the treatise, Ibn al-Jawzī takes the debate one step further when he responds to ʿAbd al-Mughīth's claim that al-Ḥusayn was a *khārijī*. This response comes right after Ibn al-Jawzī had stripped away Yazīd's legitimacy by invalidating his acceptance of the caliphate and his qualifications. At this point, the question of whether al-Ḥusayn's rebellion was lawful becomes irrelevant, and Ibn al-Jawzī's terse response attests to this:

> We say, however, that a *khārijī* is one who rebels against someone who has a legal right [to rule]. But al-Ḥusayn rebelled to resist falsehood and to establish what is rightful.[72]

Though short, this statement is carefully worded and best captures Ibn al-Jawzī's juristic prudence in addressing the Yazīd problem. There is no doubt that he approves of al-Ḥusayn's actions in going against Yazīd, but we get no indication here—or elsewhere in the treatise—that al-Ḥusayn had rebelled against Yazīd as a caliph who fell into sin. The juristic prudence can only be fully grasped when we put the Sunni caliphate discourse usually located in theological (*kalām*) treatises in conversation with the rules on rebellion discussed in works of positive law (*furūʿ al-fiqh*).

In the legal framework, a rebel is one who refuses to obey the just ruler and resists by fighting him. Ibn al-Jawzī's selected reports on Yazīd's reign and statements on the caliph leave no doubt that he considers Yazīd unjust and sinful. His analysis of the oath of allegiance pledged to Yazīd and his caliphal qualifications—both key subjects in the Sunni caliphate discourse—makes clear that he does not consider Yazīd a rightful ruler. By the time the reader arrives at the statement quoted above, the overall sense is that Yazīd was merely a false claimant to power, not a ruler to begin with, whether just or unjust, legitimate or illegitimate. In that case, al-Ḥusayn cannot be considered a rebel as legally defined. This renders moot the question of whether al-Ḥusayn was acting lawfully in "rebelling" against Yazīd.

Moreover, when read alongside his invalidation of Yazīd's caliphate and endorsement of al-Ḥusayn as the most excellent man of his time, the above passage could be understood as

71. Ibn al-Jawzī, *Radd*, 63–64.

72. Ibid., 86–87: *qulnā innamā yakūnu khārijī li-man kharaja ʿalā mustaḥiqq wa-innamā kharaja al-Ḥusayn li-dafʿ al-bāṭil wa-iqāmat al-ḥaqq*.

Ibn al-Jawzī implying that it is in fact al-Ḥusayn who was the rightful caliph and Yazīd the rebel, hence turning the entire framework of the law on its head.[73] It then follows that Yazīd was doubly wrong—for overstepping the rules on rebellion in his treatment of al-Ḥusayn while not being a legitimate ruler at all. For Abū Yaʿlā, who operated within the legal framework as agreed by the majority of jurists, al-Ḥusayn remained a rebel who was dealt with unjustly while Yazīd's legitimacy as caliph remained unscathed. Ibn al-Jawzī's approach, on the other hand, demonstrates how various elements of the Sunni discourse on the caliphate and the laws of rebellion can be synthesized to simultaneously condemn Yazīd and justify al-Ḥusayn's actions.[74]

The foregoing arguments do not rule out the possibility that Ibn al-Jawzī was influenced by political ideas outside the Ḥanbalī school of law. At first glance, the statement quoted above seems to belong less to a Ḥanbalī who denied rebellion and the deposition of a sinful ruler, and more to a Muʿtazilī scholar who "emphasized the need for a just imām and the obligation of the community to remove an unjust imām, if necessary by force."[75] We see this in the writings of Muʿtazilī scholars such as al-Jāḥiẓ (d. 255/869)[76] and ʿAbd al-Jabbār (d. 415/1025).[77] As mentioned before, some Shāfiʿīs and Ashʿarīs also permitted deposition of a sinful ruler. The idea that Ibn al-Jawzī was influenced by these pro-deposition claims is not too far-fetched a claim to make, as his theological ideas show marked influences from Muʿtazilism and Ashʿarism, especially with regard to the issue of anthropomorphism. Considering that the caliphate was usually discussed in treatises on theology, it is possible that the influence of Muʿtazilī–Ashʿarī political doctrines went hand in hand with Ibn al-Jawzī's adoption of their theological views.

Despite a possible influence by Muʿtazilī and Ashʿarī political ideas, Ibn al-Jawzī's approach to rebellion was much more subtle. He musters various components of Sunni political and legal discourse to delegitimize Yazīd's caliphate and to endorse al-Ḥusayn's rightful claim as caliph and his revolt against Yazīd, but nowhere in the *Radd* does Ibn al-Jawzī state explicitly that a sinful ruler ought to be resisted and deposed. His shifting of the debate from one on the permissibility of rebellion to one on the question of legitimacy allowed him—juristically prudent—to have it both ways: writing against sinful rulership and yet adhering to the main contours of Ḥanbalī political thought. To make the overt claim that al-Ḥusayn was right to rebel against Yazīd *qua* sinful caliph would be to veer completely off course from the mainstream Ḥanbalī political tradition, since most Ḥanbalī scholars before

73. There were indeed jurists, such as Ibn Ḥazm (d. 456/1064), who deemed Umayyad caliphs such as Yazīd, Marwān b. al-Ḥakam, and ʿAbd al-Malik b. Marwān to be rebels against Ibn al-Zubayr, even though it was Ibn al-Zubayr who challenged Umayyad rule and was ultimately defeated. In Ibn Ḥazm's line of reasoning, a ruler who rules unjustly is to be treated as a rebel; if he terrorizes the people, he is to be considered a bandit. See Abou El Fadl, *Rebellion and Violence*, 48, 213–14.

74. Ibn al-Jawzī's treatment of the Yazīd problem is quite characteristic of what Abou El Fadl (ibid., 284–86, 330–31) calls the "revisionist" discourse on rebellion, which is that although rebellion is unlawful in the first place, "if a people rebels against a ruler because of his injustice, even if they are seeking to overthrow him, they are not to be considered rebels. . . . The main emphasis of the revisionist trend was not on justifying rebellion, but on withdrawing support from unjust rulers." However, if a rebellion breaks out, Muslims should not assist the rebels or the rulers.

75. "Imāma" (W. Madelung), *EI*2; Lambton, *State and Government*, 37; Crone, *Political Thought*, 229; Abou El Fadl, *Rebellion and Violence*, 90.

76. J. F. El-ʿAṭṭār, "The Political Thought of al-Jāḥiẓ with Special Reference to the Question of *Khilāfa* (Imāmate): A Chronological Approach," 2 vols. (Ph.D. diss., Univ. of Edinburgh, 1996), 1: 181–82, 208–9, 218, summary in vol. 2, 439–40; Charles Pellat, "L'imamat dans la doctrine de Ǧāḥiẓ," *Studia Islamica* 15 (1961): 23–52, at 47–49.

77. ʿAbd al-Jabbār, *Mughnī*, 20,1: 203.

and during Ibn al-Jawzī's time rejected deposition and rebellion. At the same time, it had the potential to brand him as a scholar whose ideas incite conflict. Given these circumstances, Ibn al-Jawzī had to tread carefully in crafting his refutations of ʿAbd al-Mughīth.

CONCLUDING REMARKS: LATER ḤANBALĪ RECEPTION OF IBN AL-JAWZĪ'S *RADD*

Ibn al-Jawzī's refutations of ʿAbd al-Mughīth ultimately do not tell us if rebellion against an unjust and sinful ruler like Yazīd is permissible, and if so, when and how it is appropriate. But they draw our attention to how Muslim jurists prudently applied the law when negotiating power and protesting against dismal political situations. They show us how jurists saw spaces within inherited doctrines and traditions as opportunities to craft subtle solutions to difficult questions.

In time, Ibn al-Jawzī's *Radd* came to be remembered for two issues: his permitting of Yazīd's cursing and his views on rebellion. The treatise was most likely written around the same time as or shortly before *Kitāb Akhbār al-ṣifāt*, in which Ibn al-Jawzī sets out his theological views and condemnations of anthropomorphism within the Ḥanbalī school. Merlin Swartz has argued that Ibn al-Jawzī's tensions with his Ḥanbalī peers owed much to theological differences, which contributed to his increasing alienation from the school, and this was a time "when the author's relations with the Ḥanbalī school of Baghdad were strained, perhaps even close to the breaking point."[78] Indeed, the Yazīd problem represented yet another fault line between Ibn al-Jawzī and his colleagues. In *Kitāb Akhbār al-ṣifāt*, the general Ḥanbalī reticence toward cursing Yazīd is mentioned alongside anthropomorphism as issues that Ḥanbalī scholars have supposedly been "insinuating into the doctrine of [Aḥmad . . . that] he never taught," and hence "brought shame and dishonor to the school."[79]

Ibn al-Jawzī's pro-cursing position did not seem to resonate with the majority of Ḥanbalīs during or after his time. According to a fatwa issued by the Syrian Ḥanbalī scholar ʿAbd al-Ghanī al-Maqdisī (d. 600/1203), it is forbidden to criticize Yazīd since this may lead one to do the same to his father Muʿāwiya and open the door to civil strife (*fitna*).[80] About a century later, Ibn Taymiyya (d. 728/1328), another Syrian Ḥanbalī, names Ibn al-Jawzī among the Ḥanbalīs who permit the cursing of Yazīd, but adds that Ibn Ḥanbal and the Prophet forbade cursing anyone by name, even if they were sinners (*fussāq*). Yazīd should neither be cursed nor loved. He might have been a sinner, but he was still a Muslim and better than certain rulers in history. Ibn Taymiyya follows these claims with passages exonerating Yazīd of the acts he had been accused of committing against al-Ḥusayn, the Medinans, and the Kaʿba.[81]

The reception of Ibn al-Jawzī's views toward rebellion by Ḥanbalī scholars who followed him is more convoluted and deserves more scrutiny. His statement claiming that "al-Ḥusayn had rebelled to resist falsehood and to establish what is rightful" was carefully worded so as to not carry the connotation that one should rebel against a ruler who had fallen into sin. But in the eyes of later Ḥanbalī scholars, to even suggest that al-Ḥusayn was right to rebel at all was simply too radical a statement to make. It also ran the risk of being misread. Shams al-Dīn Muḥammad b. Mufliḥ (d. 763/1362), an eighth/fourteenth-century Syrian Ḥanbalī

78. Swartz (*Medieval Critique*, 33–45) places the composition of *Kitāb Akhbār al-ṣifāt* "sometime in the 580s (between 1185 and 1192)."

79. Ibid., 124: "you have embellished your doctrine with a narrowly partisan devotion (*ʿaṣabīya*) to Yazīd even though you know quite well that the founder of the school actually permitted the cursing [of Yazīd]."

80. Al-Sarhan, "Early Muslim Traditionalism," 142.

81. Ibn Taymiyya, *Minhāj*, 4: 550, 553, 557–60, 567–69, 574–86; idem, *Majmūʿat al-fatāwā*, ed. ʿĀ. al-Jazzār and A. al-Bāz, 20 vols. (Mansoura: Dār al-Wafāʾ, 1998), 4: 295, 308–10; al-Sarhan, "Early Muslim Traditionalism," 143.

jurist, paraphrases numerous passages from the *Radd*—including that of al-Ḥusayn rebelling to resist falsehood—in his treatise *al-Ādāb al-sharʿiyya* when discussing the issue of cursing.[82] Ibn Mufliḥ was thus clearly aware of and had perhaps even read the *Radd*. Immediately after these passages, however, he quotes Ibn Taymiyya ("*al-shaykh* Taqī al-Dīn"): "Ibn al-Jawzī permitted rebellion against an unjust [ruler]" (*qad jawwaza Ibn al-Jawzī al-khurūj ʿalā ghayr al-ʿādil*),[83] recasting Ibn al-Jawzī's ideas in a more radical light.

Ibn al-Jawzī's statement on al-Ḥusayn's uprising would go on to be cited as a legal precedent in Ḥanbalī law books, though by way of Ibn Taymiyya's misconstrued formulation. In the chapter on the treatment of rebels (*aḥkām al-bughāt*) in Ibn Mufliḥ's Ḥanbalī law compendium, *Kitāb al-Furūʿ*, it is stated: "Ibn ʿAqīl and Ibn al-Jawzī permit rebellion against an unjust ruler, and they mention al-Ḥusayn's rebellion against Yazīd for the sake of establishing what is rightful." Ibn Mufliḥ also mentions non-Ḥanbalī scholars: al-Juwaynī (d. 478/1085) condones rebellion against a ruler who transgresses, even if it involves war and weapons; al-Nawawī (d. 676/1277) permits the deposition of an unjust ruler only if it does not lead to greater harm. Ibn Mufliḥ then refutes the pro-rebellion positions by saying, "The transmitted texts (*nuṣūṣ*) of Aḥmad [b. Ḥanbal stipulate] that [rebellion] is not permitted and that it is an innovation that contradicts the Sunna. Thus he called for patience. [. . .] Our shaykh [possibly Ibn Taymiyya] said that the greatest grounds for the breakout of most civil wars is the lack of patience, since there are [only] two reasons for civil strife: ignorance or lack of patience."[84] One century later, Ibn Mufliḥ's statements would be cited verbatim by ʿAlāʾ al-Dīn ʿAlī al-Mardāwī (d. 885/1480), a ninth/fifteenth-century Syrian Ḥanbalī jurist, in his law compendium, itself a detailed commentary on another Ḥanbalī law book by the Syrian Ḥanbalī jurist Muwaffaq al-Dīn b. Qudāma (d. 620/1223) entitled *al-Mughnī*.[85] As in Ibn Mufliḥ's *Furūʿ*, Ibn al-Jawzī's position is mentioned in the chapter on the treatment of rebels, with Ibn Mufliḥ's line about Ibn ʿAqīl and Ibn al-Jawzī reproduced word for word.[86]

In sum, Ibn al-Jawzī's position on rebellion resounded enough to be cited as a legal precedent in Ḥanbalī legal compendiums, but as a precedent that ought not to be followed. It did not matter that he carefully framed al-Ḥusayn's act as one that was against a false claimant to power rather than a sinful caliph. The fact that he had defended al-Ḥusayn at all was enough of a red flag for politically conservative Ḥanbalī scholars during and after his time. Moreover, Ibn Taymiyya's and Ibn Mufliḥ's misconstruing of his views undermined their juristic prudence and prevented them from having any lasting impact on future generations of Ḥanbalīs.

82. Ibn Mufliḥ, *al-Ādāb al-sharʿiyya*, ed. Sh. al-Arnaʾūṭ and ʿU. al-Qayyām, 3 vols. (Beirut: Muʾassasat al-Risāla, 1996), 1: 285–87. On Ibn Mufliḥ, s.vv (G. Makdisi) and (D. Talmon-Heller), *EI*2 and *EI*3 respectively. Ibn Mufliḥ is a good yardstick for measuring the reception of Ibn al-Jawzī's ideas since he was one of the most widely cited Ḥanbalī jurists in the ninth/fifteenth century. See Ch. Melchert, "The Relation of Ibn Taymiyya and Ibn Qayyim al-Jawziyya to the Ḥanbalī School of Law," in *Islamic Theology, Philosophy and Law: Debating Ibn Taymiyya and Ibn Qayyim al-Jawziyya*, ed. B. Krawietz and G. Tamer (Berlin: Walter de Gruyter, 2013), 146–61, at 148–53.

83. Ibn Mufliḥ, *Ādāb*, 1: 287.

84. Ibn Mufliḥ, *Kitāb al-Furūʿ*, ed. ʿA. b. ʿA. al-Turkī, 12 vols. (Beirut: Muʾassasat al-Risāla, 2003), 10: 180–81. Brought to my attention in Abou El Fadl, *Rebellion and Violence*, 239 n. 9, 286 n. 161.

85. Melchert, "Relation of Ibn Taymiyya and Ibn Qayyim al-Jawziyya," 148.

86. Al-Mardāwī, *al-Inṣāf fī maʿrifat al-rajīḥ min al-khilāf ʿalā madhhab al-imām Aḥmad b. Ḥanbal*, ed. M. Ḥ. al-Fiqī, 12 vols. (Cairo: Maṭbaʿat al-Sunna al-Muḥammadiyya, 1955–1958), 10: 311. Ibn al-Jawzī's position is not mentioned in the corresponding section in Ibn Qudāma's *Mughnī* (see ed. ʿA. b. ʿA. al-Turkī and ʿA. M. al-Ḥulw, 15 vols. [Cairo: Hajr, 1986–1990], 12: 237–63).